

(Stipulating parties listed on signature page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,

No. 07-cv-5944-SC
MDL No. 1917

This Document Relates to:

**STIPULATION AND [PROPOSED]
ORDER REGARDING SCHEDULING**

Electrograph Systems, Inc. et al. v.
Technicolor SA, et al., No. 13-cv-05724;

Judge: Hon. Samuel Conti

Alfred H. Siegel, as Trustee of the Circuit
City Stores, Inc. Liquidating Trust v.
Technicolor SA, et al., No. 13-cv-05261;

Best Buy Co., Inc., et al. v. Technicolor SA,
et al., No. 13-cv-05264;

Interbond Corporation of America v.
Technicolor SA, et al., No. 13-cv-05727;

Office Depot, Inc. v. Technicolor SA, et al.,
No. 13-cv-05726;

Costco Wholesale Corporation v.
Technicolor SA, et al., No. 13-cv-05723;

P.C. Richard & Son Long Island
Corporation, et al. v. Technicolor SA, et al.,
No. 31:cv-05725;

Schultze Agency Services, LLC, o/b/o
Tweeter Opco, LLC, et al. v. Technicolor SA,
Ltd., et al., No. 13-cv-05668;

Sears, Roebuck and Co. and Kmart Corp. v.
Technicolor SA, No. 3:13-cv-05262;

Target Corp. v. Technicolor SA, et al., No.
13-cv-05686

1 *Tech Data Corp., et al. v. Hitachi, Ltd., et*
2 *al., No. 13-cv-00157*

3 *Dell Inc. v. Hitachi Ltd.,*
4 *No. 13-cv-02171;*

5 *Sharp Electronics Corp., et al. v. Hitachi,*
6 *Ltd., et. al., No. 13-cv-01173*

7 Electrograph Systems, Inc.; Electrograph Technologies, Corp.; Alfred H. Siegel (as
8 trustee of the Circuit City Stores, Inc. Liquidating Trust); Best Buy Co., Inc.; Best Buy
9 Purchasing LLC; Best Buy Enterprise Services, Inc.; Best Buy Stores, L.P.; BestBuy.com,
10 L.L.C.; Magnolia Hi-Fi, Inc.; Interbond Corporation of America; Office Depot, Inc.; Costco
11 Wholesale Corporation; P.C. Richard & Son Long Island Corporation; ABC Appliance, Inc.;
12 MARTA Cooperative of America, Inc.; Schultze Agency Services, LLC, (on behalf of Tweeter
13 Opco, LLC, and Tweeter Newco, LLC); Sears Roebuck and Co. and Kmart Corp.; and Target
14 Corp., (collectively “the DAPs”); Dell Inc. and Dell Products L.P. (collectively, “Dell”); Sharp
15 Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.,
16 (collectively, “Sharp”); Tech Data Corporation and Tech Data Product Management, Inc.
17 (collectively, “Tech Data”); Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US,
18 Inc., and Mitsubishi Electric Visual Solutions America, Inc., (collectively “Mitsubishi Electric”);
19 Defendants Thomson S.A. (n.k.a. Technicolor S.A.) and Thomson Consumer Electronics, Inc.
20 (n.k.a. Technicolor USA, Inc.) (collectively, “Thomson”) have conferred by and through their
21 counsel and, subject to the Court’s approval, HEREBY STIPULATE AS FOLLOWS:

22 WHEREAS, there is pending in the United States District Court for the Northern District
23 of California a multidistrict consolidated proceeding comprised of actions brought on behalf of
24 purported purchasers of cathode ray tubes (“CRT”) and CRT products, captioned as *In re:*
25 *Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 3:07-cv-05944 SC (MDL No. 1917) (the
26 “MDL Proceedings”);

27 WHEREAS, Sharp filed on March 15, 2013, a Complaint naming Thomson as
28 Defendants (Dkt. No. 1, Case No. 3:13-cv-01173 SC), and on October 28, 2013, a First

1 Amended Complaint also naming Thomson as Defendants, now pending in this MDL (Dkt. No.
2 2030);

3 WHEREAS, the DAPs have filed Complaints or Amended Complaints, which are now
4 pending in this MDL, naming Mitsubishi Electric and Thomson as Defendants;

5 WHEREAS, Tech Data has filed a First Amended Complaint, now pending in this MDL,
6 naming Thomson and Mitsubishi Electric as Defendants;

7 WHEREAS, Dell has filed a First Amended Complaint, now pending in this MDL,
8 naming Mitsubishi Electric as Defendants;

9 WHEREAS, on December 30, 2013, Mitsubishi Electric filed a Notice of Motion and
10 Motion to Dismiss the DAPs' Complaints (Dkt. No. 2299);

11 WHEREAS, on January 27, 2014, Thomson Consumer filed a Notice of Motion and
12 Motion to Dismiss the DAPs' Complaints (Dkt. No. 2353);

13 WHEREAS, on January 27, 2014, Thomson SA filed a Notice of Motion and Motion to
14 Dismiss the DAPs' Complaints (Dkt. No. 2355);

15 WHEREAS, on November 25, 2013, Thomson Consumer filed a Notice of Motion and
16 Motion to Dismiss Sharp's First Amended Complaint (Dkt. No. 2236);

17 WHEREAS, on November 25, 2013, Thomson SA filed a Notice of Motion and Motion
18 to Dismiss Sharp's First Amended Complaint (Dkt. No. 2235);

19 WHEREAS, on January 16, 2014, Thomson Consumer filed Notice of Motion and
20 Motion to Strike with Prejudice Tech Data's First Amended Complaint (Dkt. No. 2329);

21 WHEREAS, on February 7, 2014, Thomson SA filed a Notice of Motion and Motion to
22 Strike with Prejudice Tech Data's First Amended Complaint (Dkt. No. 2373);

23 WHEREAS, on March 13, 2014, the Court entered an Order granting in part and denying
24 in part Mitsubishi Electric's Motion to Dismiss the DAPs' Complaints or First Amended
25 Complaints, dismissing certain state-law claims but denying the motions with respect to the
26 federal and New York Donnelly Act claims (Dkt. No. 2439);

27 WHEREAS, on March 13, 2014, the Court issued an Order granting in part and denying
28 in part Thomson Motions to Dismiss Sharp's First Amended Complaint and the DAPs'

1 Complaints or First Amended Complaints, dismissing certain state-law claims but denying the
2 motions with respect to the federal and New York Donnelly Act claims (Dkt. No. 2440);

3 WHEREAS, on March 28, 2014, the Court issued an Order granting in part and denying
4 in part Thomsons' Motions to Strike with Prejudice Tech Data's First Amended Complaint,
5 dismissing Tech Data's state-law claims but denying the motions with respect to its federal
6 claims (Dkt. No. 2507);

7 WHEREAS, the DAPs, Dell, Sharp, Tech Data and the undersigned Defendants agree
8 that including the above named individual actions to the existing MDL schedule will ultimately
9 aid in the efficient resolution of the litigation;

10 WHEREAS, the DAPs, Dell, Sharp, and Tech Data have agreed to provide the
11 undersigned Defendants with their previously produced discovery and have represented to the
12 undersigned Defendants that they have done so;

13 WHEREAS, the DAPs, Dell, Sharp, and Tech Data have agreed to coordinate discovery
14 and propound initial discovery requests promptly;

15 WHEREAS, the parties agree to make their best efforts to complete discovery on the
16 existing schedule, including, on the part of Thomson, by making their best efforts to make
17 documents and witnesses available, in compliance with the law in the jurisdiction where those
18 documents and witnesses are located, and, if legally possible, without resort to Hague
19 Convention procedures, as soon as is reasonably possible in the circumstances;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between counsel as
21 follows:

- 22 1. All motions decided in the MDL to date are deemed to have been raised in the above-
23 listed actions, and the arguments raised in any such motions are preserved for appellate
24 purposes as if they had been made in these actions.
 - 25 2. Discovery, pre-trial motions, and trial preparations in the above-listed actions shall be
26 completed by the deadlines set forth in this Court's order, dated March 21, 2014 (Dkt.
27 No. 2459).
- 28

1 3. In the event that, despite the parties' best efforts, it is not reasonably feasible to complete
2 discovery, pre-trial motions, and trial preparations on the schedule set forth in this
3 Court's order dated March 21, 2014, the parties shall have the right to seek appropriate
4 relief.

5
6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

7
8 Dated: 4/30/2014



Hon. Samuel Conti
United States District Judge

1 Dated: April 29, 2014

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Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this document has been obtained from each of the above signatories.